

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LISA C. TYLER, )  
                    )  
Plaintiff,       )                          **8:08CV496**  
                    )  
vs.                )                          **ORDER TO SHOW CAUSE**  
                    )  
CACV OF COLORADO, LLC, and )  
P. SCOTT LOWERY, PC,     )  
                    )  
Defendants.       )

This matter is before the court *sua sponte* and pursuant to [NECivR 41.1](#), which states in pertinent part: "The court may at any time dismiss an action for lack of prosecution when it appears it is not being prosecuted with reasonable diligence." Further, [Fed. R. Civ. P. 4\(m\)](#) establishes a 120-day time limit for service of process on the defendant in a civil case, absent a showing of good cause.

In this case the complaint was filed on November 4, 2008. **See** [Filing No. 1](#). Accordingly, the deadline for service of process expired **on or about March 4, 2009**. Summons have been requested, however there is no proof of service of process on the defendants. Therefore, the plaintiff must make a showing of good cause for the failure of service or the action must be dismissed as against the defendants. Upon consideration,

**IT IS ORDERED:**

The plaintiff shall show cause why this case should not be dismissed for failure to prosecute. The showing of cause shall be filed electronically on or before the close of business **on March 23, 2009**.

Dated this 9th day of March, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge